

## Welcome to the California superior courts.

*People turn to the courts to settle their disputes*

*when they are unable to settle them alone.*

*California has two types of courts:*

*trial courts, also called superior courts*

*(some counties also have municipal courts), and*

*appellate courts, which include the California*

*Supreme Court and the six districts of the*

*Courts of Appeal. Each county has one*

*superior court to hear civil and criminal cases.*

*The superior courts vary in size*

*from 1 to 27 branches.*

### ❖ ROLE OF THE SUPERIOR COURTS

A superior court is a trial court in which a judge or jury decides cases by applying the law to the facts presented by witnesses' testimony and other evidence. Superior courts are different from appellate courts, where people who are not satisfied with trial court decisions appeal their cases to judges.

During the last fiscal year, nearly 9 million cases were filed in the superior courts at some 375 court locations throughout the state. Of these, nearly 8 million were civil—the majority involving traffic matters—and 460,000 were criminal.

### ❖ JURISDICTION

Superior and municipal courts have trial jurisdiction over all criminal and civil cases. Special departments of the courts handle family, probate, mental health, juvenile, small claims, and traffic cases. Many superior courts also have specialty departments for nonviolent drug offenses and domestic violence cases. Superior courts handle cases in which parties ask for special relief, such as an injunction or a declaratory order.

Until 1998 all counties in California had both superior and municipal courts. Misdemeanors, infractions, and limited civil cases (civil cases involving less than \$25,000) were tried in municipal courts, and other cases were tried in superior courts. Voter approval of Proposition 220 allowed the superior and municipal courts in each county to unify into one court to provide the public with more services and better access. Nearly every county in California now has a unified superior court.

### ❖ JUDGES

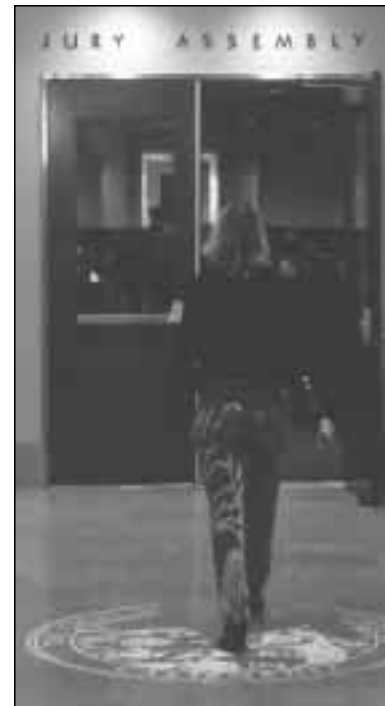
The superior courts have 1,580 judgeships statewide. The California Legislature determines the number of judges in each court—ranging from 2 in sparsely populated counties to more than 400 in Los Angeles County. Superior court judges serve six-year terms and are elected by county voters on a nonpartisan ballot at a general election. Vacancies are filled through appointment by the Governor. A superior court judge (with the exception of former municipal court judges in recently unified courts) must have been an attorney admitted to practice law in California or have served as a judge of a court of record in this state for at least 10 years immediately preceding election or appointment.

### ❖ CIVIL CASES

Civil cases are brought against individuals or organizations by other individuals or organizations. In some civil cases, the *plaintiff* seeks money damages to be paid by the *defendant*. In other kinds of civil cases, the parties ask the court to take a certain action, such as to sever marriage ties, decide the custody of minor children, adjudge the mental competency of an aged or ill person, dispose of a deceased person's estate, or change a legal name. Other civil suits are brought to stop someone from doing something or to compel someone to act.

A civil case begins when the plaintiff files a written document called a *complaint* (or, in some kinds of cases, a *petition*) with the court. The clerk of the court issues a *summons* that is served on the defendant along with a copy of the complaint. The defendant has 30 days to file an *answer* or *demurrer* with the clerk of the court (except in eviction cases, where the defendant generally has just 5 days). The defendant may answer (admit or deny) each of the allegations and set forth reasons that the plaintiff is not entitled to the relief he or she seeks. If the defendant fails to respond in the time allowed by law, the plaintiff may file for a judgment by default. Before the actual trial begins, a mandatory settle-

ment conference is held with a judge to see whether there is any chance of a settlement before trial.



◀ *While most cases are settled before trial, trial by jury is one of our fundamental rights, and jury duty is one of our vital duties as citizens. Information about jury service is available from the California Courts Web site at [www.courtinfo.ca.gov/jury/](http://www.courtinfo.ca.gov/jury/).*

*Photo by Russ Curtis.*

### SETTLING DISPUTES OUTSIDE COURTROOMS

In recent years, many California courts have established programs for alternative dispute resolution (ADR). ADR encompasses a variety of techniques for resolving legal disputes before they reach the courtroom. ADR programs may have several different goals, including offering litigants dispute resolution options that fit their needs, saving time and money for both the parties in the dispute and the courts, and reducing court congestion and the number of cases going to trial. Two popular forms of ADR are:

**Arbitration.** In arbitration, the neutral party conducts a hearing, receives evidence, and decides the outcome of the dispute.

**Mediation.** In mediation, the neutral party does not decide the dispute but helps the parties communicate so that they can settle the dispute themselves. The parties have a greater chance to participate in resolving their own dispute than they would in trial or arbitration. Your court clerk can tell you whether your local court offers these or other forms of ADR.

### JUDGMENT

When the parties have reached an agreement to settle, or (if the case has gone to trial) when the jury reaches a verdict or the judge renders a decision, a judgment is entered by the court. The court can enforce the judgment in various ways, such as by garnishing wages or attaching property. A party who is dissatisfied with the decision of the judge or jury and believes it may be incorrect can appeal the decision within a limited time.



*Family matters, such as adoption, child custody, and child support issues, make up the largest part of the civil workload.*

*Photo by Jonathan Alcorn.*

❖ CRIMINAL CASES

Criminal cases range from relatively minor offenses such as traffic infractions to serious ones such as robbery and murder. A criminal case usually begins when a prosecutor files formal charges, a person is arrested, or a grand jury issues an indictment. The state makes the charge against someone accused of committing a crime because a crime is a violation of penal laws and is considered an act against society. The prosecuting attorney presents the charge against the accused person (*defendant*) on behalf of the state and must prove to the judge or jury that the defendant is guilty. In all criminal cases, the defendant is presumed to be innocent. That means that the prosecutor must prove each element of the crime beyond a reasonable doubt.

If a defendant who has been charged with a felony or a misdemeanor cannot afford to hire an attorney, the court will appoint one from the public defender’s office. (However, the court does not appoint a public defender for infraction cases, since convictions for infractions do not result in jail or prison terms.)

Felony

A felony is a criminal offense punishable by imprisonment in a state prison for more than a year or by death.

Misdemeanor

A misdemeanor is a lesser offense than a felony. It is punishable by fine or imprisonment for less than a year in a city or county jail rather than in a state penitentiary.

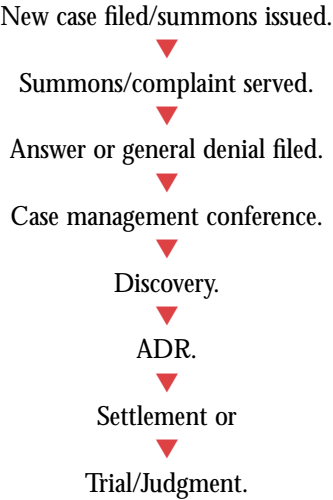
Infraction

Infractions are not punishable by jail or prison time and are not subject to trial by jury; the punishment is a fine. The more common infractions include traffic matters, such as speeding and running a red light or a stop sign. The total fine for an infraction can be as much as \$200 or more.

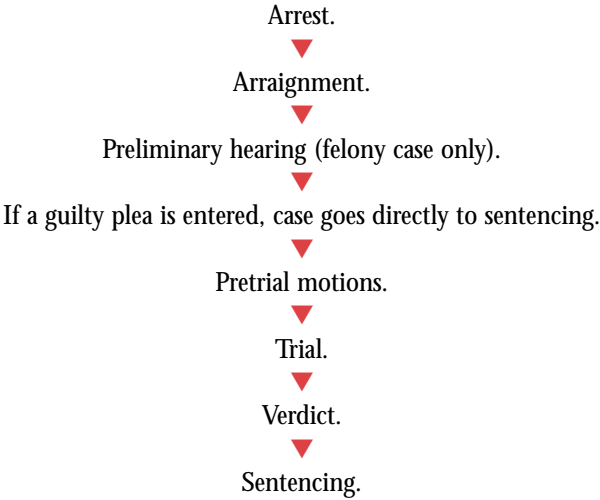
SENTENCES

State and local laws define crimes and specify punishments. Some counties offer “diversion” programs that allow a judge to order a defendant to get medical treatment or counseling or to do community service work. The diversion program may take the place of a fine or jail sentence in certain types of misdemeanor and felony charges.

STEPS IN A CIVIL CASE



STEPS IN A CRIMINAL CASE



For more information, visit the California Courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov), including *Guides to California Courts*, a self-help center, a jury Web page, and more.

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Your Rights in Court

*You have rights that are guaranteed  
by the Constitutions and statutes of the  
United States and California. These rights include:*

- ❖ *The right to sue for money owed  
and for other relief;*
- ❖ *The right to defend yourself against a lawsuit;*
- ❖ *The right to be presumed innocent  
if charged with a crime;*
- ❖ *The right to defend yourself  
against all criminal charges;*
- ❖ *The right to a public and speedy trial  
by jury if you are charged with a  
felony or misdemeanor; and*
- ❖ *The right to an attorney at  
public expense if you are charged with a  
felony or misdemeanor and cannot afford an attorney.*

The American court system is divided into federal and state systems. Each is independent of the legislative and executive branches of government. The state and federal courts have overlapping power in some matters; each has exclusive power in other matters.

A  
Visitors’ Guide  
to the  
California  
Superior Courts



*Serving 34 million  
Californians, the superior courts  
work to resolve a wide and complex  
range of civil and criminal disputes  
with a commitment to  
equality and fairness.*